

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ERIC DRAKE,
Plaintiff,

v.

SAFEWAY, INC., *et al.*,
Defendants.

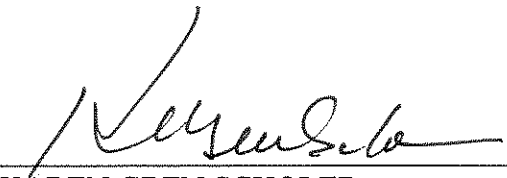
Case No. 3:18-cv-03120-S (BT)

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Rebecca Rutherford dated April 3, 2019. The Court has reviewed the Findings, Conclusions, and Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Plaintiff Eric Drake's Motion for Nonsuit (ECF No. 20) operates as a notice of voluntary dismissal, and the Clerk of Court should administratively close this case. It is further **ORDERED** that Defendants Alle Processing Corporation and Maspeth Kosher Food, LLC's Motion and Supplemental Motion for Entry of Dismissal With Prejudice (ECF Nos. 22 & 27) are terminated as moot, and that Defendants Safeway, Inc. and Sedgwick Claims Management Services, Inc.'s Motion for Entry of Final Order Dismissing Claims With Prejudice (ECF No. 24) is terminated as moot. Plaintiff is warned that lawsuits filed subsequent to this lawsuit may result in a finding that his second, voluntary dismissal operates as an adjudication on the merits.

SO ORDERED, this 2nd day of May, 2019.



KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE